

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Initially, Applicants note an Information Disclosure Statement (IDS) was filed on June 15, 2006, that has not yet been acknowledged as considered. Applicants respectfully request acknowledgement of consideration of the reference in that IDS by providing applicants with an initialed Form PTO-1449 from that IDS. For convenience, a copy of the IDS filed June 15, 2006, is submitted herein.

Claims 27, 46, and 69 are pending in the application. No claims are newly added, amended, or cancelled herein.

In the outstanding Office Action, Claims 27, 46, and 69 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 7 of U.S. Patent No. 6,731,343.

To expedite progress towards an allowance, Applicants have filed a Terminal Disclaimer herewith relative to U.S. Patent No. 6,731,343.

The filing of a terminal disclaimer is to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption or estoppel on the merits of the rejection.” *Quad Environment Technologies Corp. v. Union Sanitary District*, 946 F. 2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants’ filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Application No. 10/717,644  
Reply to Office Action of June 9, 2006

Accordingly, in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Surinder Sachar  
Registration No. 34,423